

Entered - 11/02/00 - sb  
CL 00L0677 - GWENDOLYN BURNS

00-*R*-1911


**CLAIM OF: Firemans Fund Insurance as subrogee of  
Gordon Harper  
P.O. Box 4032  
Rocky Hill, CT 06067**

For damages alleged to have been sustained as a result of a vehicular accident on May 30, 2000 at 1940 Northside Drive, NW.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Firemans Fund Insurance as subrogee of Gordon Harper** the sum of **\$2,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on May 30, 2000 at 1940 Northside Drive, NW., as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0677

Date: November 16, 2000

Claimant /Victim GORDON HARPER  
BY: (Atty) (Ins. Co.) FIREMANS FUND INSURANCE  
Address: P.O. Box 4032, Rocky Hill, CT 06067  
Subrogation: Claim for Property damage \$ 7,445.10 Bodily Injury \$             
Date of Notice: 10/23/00 Method: Written, Proper X Improper             
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 5/30/00 Place: 1640 Northside Drive, NW  
Department POLICE Division             
Employee involved Alton B. Calhoun Disciplinary Action: Oral Admonishment - 10/17/00

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was struck a city vehicle that "failed to yield when entering a roadway".

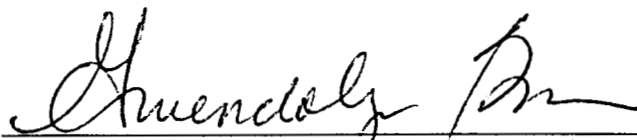
### INVESTIGATION:

Statements: City employee            Claimant            Others            Written            Oral             
Pictures            Diagrams            Reports: Police X Dept Report            Other             
Traffic citations issued: City Driver            Claimant Driver             
Citation disposition: City Driver            Claimant Driver           

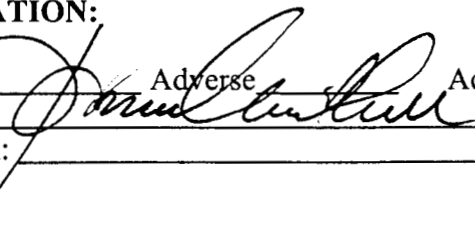
### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial             
Improper Notice            More than Six Months            Other            Damages reasonable             
City not involved            Offer rejected            Compromise settlement             
Repair/replacement by Ins. Co.            Repair/replacement by City Forces             
Claimant Negligent            City Negligent X Joint            Claim Abandoned           

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$ 2,000.00 Adverse            Account charged: 1A01 X 2J01            2H01             
Claims Manager:  Concur/date 11-17-00  
Committee Action:            Council Action



AUG. 3. 2000 9:40AM

SE BY MILLER&amp;HARPER LLC

NO. 463

P. 1/1

GORDON HARPER - 1-800-848-0819 BURNS

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

11/01/00

Today's Date:

9-8-00

ENTERED - 11-2-00 - SB

00L0677 - GWEN BURNS

Dear Municipal Clerk:

\*Amount is after salvage, etc.

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ \*7445.10 as vehicle was total loss property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 5-30-00 (month/day/year) 2. Time of Incident: \_\_\_\_\_ 3. Police called: ✓ Yes No

4. Location of incident (including street address): \_\_\_\_\_

5. Name of your insurance company: Fireman's Fund Ins Co. Policy No. UZA 1321672L  
CLM# 710 00674709

6. State what and how incident occurred: unmarked police vehicle pulled out and struck Gordon Harper vehicle.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Acura Integra 94 933MTW Corinne Harper  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: Ford Taurus Alton C. Cab Horn  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Shannon Kimpaake  
Signature of Claimant for 771C

f 800-448-9733

Firemans Fund Ins for Gordon Harper  
(Print Claimant's Name)

P.O. Box 4032  
(Address)

Rocky Hill, CT 06067  
(City, State and Zip Code)

860-513-3512  
(Work Number) (Home Number)

GENERAL RELEASE AND INDEMNIFICATIONCLAIM NUMBER 00L0677\$ 2,000.00

IN CONSIDERATION of the sum of TWO THOUSAND DOLLARS AND NO/100  
DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,  
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,  
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and  
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly  
for or on account of a vehicular accident  
which occurred on or about the 30th day of May, 2000,  
at or near 1940 Northside Drive, NW

It is further understood and agreed that the payment of the above named sum is not to be considered as an  
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the  
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,  
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,  
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment  
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by  
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this  
instrument.

WITNESS my hand and seal this 15 day of Nov, 20 00

Shannon Kinopasko (LS)  
FIREMANS FUND INSURANCE as subrogee of Gordon  
Harper

The above release was read and explained to, and signed by the said \_\_\_\_\_

Shannon Kinopasko in our presence on the date above written.

Kimberly Beyus

Chris Hight

WITNESSES

Marilyn R Stawski

MARILYN R. STAWSKI  
NOTARY PUBLIC  
MY COMMISSION EXPIRES APR. 30, 2004

00-R-1911